



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,830	06/13/2005	Johannes-Theodor Menke	KKRT-00101-NUS	6635

33794 7590 11/14/2007

MATTHIAS SCHOLL
14781 MEMORIAL DRIVE
SUITE 1319
HOUSTON, TX 77079

EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
----------	--------------

3673

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/14/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTORECEIPT@GMAIL.COM
IPRECEIPT@GMAIL.COM

Office Action Summary

Application No.

10/536,830

Applicant(s)

MENKE ET AL.

Examiner

Gary Estremsky

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 5, 7, 14-18, 22, and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by Germany Pat. Document No. DE 100 57 352 to Hopper.

Germany '352 teaches Applicant's claim limitations including : a "vehicle door latch" - 1, a "housing of said vehicle door latch" – as shown in, at least one "additional assembly" – including 4,9,12,13 together comprise a "window lifting mechanism", "directly connected to" –as shown.

As regards claims 7 and 23, broad limitation is anticipated by combination of juncture of the window lift mechanism and the latch housing where limitation of "seat" does not patentably distinguish from that contacting latch housing structure.

As regards claim 15, basic latching and locking functions that one of ordinary skill in the art would consider to be inherent to the latch of the reference anticipate limitation.

As regards claim 21, "connection" is broad enough to include intermediate elements forming a connection and has not patentably distinguished from the prior art. Alternatively, limitation of "housing" is broad enough to include elements 701,703,705.

Art Unit: 3673

in either case, broad limitation has not patentably distinguished from structure of the prior art.

As regards claim 22 instead of combination of parts including 1 and 5 (identified above with respect to claim 1) anticipating "additional assembly" limitation, the handle's rod assembly anticipates broad limitation and where it also anticipates claim 22 limitation of "control unit for the door latch".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-6, 8-11, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U Germany Pat. Document No. DE 100 57 352 to Hopper in view of U.S. Pat. No. 6,109,674 to Bartel.

Although Germany '352 does not disclose details of the latch's housing configuration, it is well known in the art to provide a latch with a three part housing and cover as illustrated by Bartel '674. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the assembly of Germany '352 to include a latch having details disclosed by Bartel '674 in order to interconnect the elements of the latch and hold them in such a manner that a long service life is insured and manufacture is easy.

Art Unit: 3673

As regards claims 10 and 11, even though Bartel '674 does not disclose details of the plastic material, it would have been an obvious choice for one of ordinary skill in the art to choose "polybutylene terephthalate" with or without 30 volume percent of fiberglass where it's well known that more or less fiberglass provides the finished composite plastic with material properties more or less similar to that of glass and/or less or more similar to the matrix material. Otherwise, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

As regards claim, 19, broad limitation of "axial support" is anticipated by any surface of the housing that might be relied upon to provide support along an axis, for example, left-most end surface as shown on the face of the Patent.

3. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany Pat. Document No. DE 100 57 352 to Hopper in view of U.S. Pat. No. 6,145,354 to Kondo and U.S. Pat. No. 6,449,907 to Nishikawa.

Although Germany '352 may not explicitly disclose the door latch/lock being electric, Kondo '354 discloses that it is well known in the art to provide door latches with electric power operated latching/locking features. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door subassembly of Germany '352 with an electric door lock as taught by Kondo '354 in order to take advantage of the several power-driven latching/locking features disclosed therein.

4. Regardless, Germany '352, as modified does not disclose a "common control unit is provided for electrically controlling said vehicle door latch and said additional assembly", the reference does disclose the additional assembly including a window regulator mechanism. Nishikawa '907 discloses that it is well known in the art to provide a "common control unit" (40) for controlling an electric lock and power window regulator. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the assembly of Germany '352, as modified with a common control unit as taught by Nishikawa '907 in order to place the controls at a single, convenient location. As regards claim 13, unit 40 of Kondo '354, as relied upon reads on broad limitation of "control board" in that it is shown to be of generally planar geometry.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany Pat. Document No. DE 100 57 352 to Hopper in view of U.S. Pat. No. 6,145,354 to Kondo and U.S. Pat. No. 6,449,907 to Nishikawa.

Although Germany '352 discloses the assembly to include a mechanism for lifting windows, it's not clear that the reference discloses the door latch/lock being electric. Kondo '354 discloses that it is well known in the art to provide door latches with electric power operated latching/locking features. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the assembly of Germany '352 with an electric door lock as taught by Kondo '354 in order to take advantage of the several power-driven latching/locking features disclosed therein.

Art Unit: 3673

One of ordinary skill in the art would recognize that the electric central and double locking of Kondo '354, as relied upon, can be carried out concurrently while electric opening and closing will be performed at different times.

6. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U Germany Pat. Document No. DE 100 57 352 to Hopper.

Although the handle is not explicitly shown, one of ordinary skill in the art would have found connection of the housing to a handle to be inherent if not obvious for intended use of opening the latch. It's noted that limitation of "connected" is broad enough to include intermediate elements as well known in the art.

Although Germany '352 discloses a latch, it's not clear that the reference discloses the latch having a control unit for the door latch attached (along with one of the elements in the 'consisting' list of additional assemblies of claim 1) to the latch housing. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door subassembly of Germany '352 with an electric door lock control as well known in the art attached to the housing where examiner takes Official Notice that it is well known in the art to attach a latch control with a latch housing.

Response to Arguments

7. In opening, it's noted that there does not appear to be changes or 'correction to the filing receipt. Applicant has not provided persuasive argument that the subject

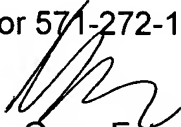
matter now claimed in this Application was invented prior to publication of the document relied on in grounds of rejection as detailed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on T,W,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gary Estremsky
Primary Examiner
Art Unit 3673